

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF CALIFORNIA
3

4 UNITED STATES OF AMERICA,) Case no. 07CR2898-LEB
5)
6 Plaintiff,) San Diego, California
7)
8 vs.) Monday,
9) December 17, 2007
10 JORGE DANIEL RAMIREZ-ARMAS) 4:16 p.m.
11 and VERONICA QUINTERO-)
12 NAVARRO,)
13)
14 Defendants.)
15)

16
17 TRANSCRIPT OF PROCEEDINGS
18 BEFORE THE HONORABLE BARBARA LYNN MAJOR
19 UNITED STATES MAGISTRATE JUDGE
20

21 APPEARANCES:

22 For the Plaintiff: REBECCA KANTER, ESQ.
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For the Defendant HOWARD B. FRANK, ESQ.
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1 SAN DIEGO, CALIFORNIA MONDAY, DECEMBER 17, 2007 4:16 P.M.

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3 (Call to order of the Court.)

4 THE CLERK: Calling the add-on calendar, 07CR2898-
5 LEB, U.S.A. versus Jorge Daniel Ramirez-Armas and Veronica
6 Quintero-Navarro, on for change of plea hearing.

7 MR. CROWLEY: Good afternoon, your Honor. Michael
8 Crowley on behalf of Jorge Ramirez who I'm sure will be
9 present before the Court shortly.

10 THE COURT: Great, thank you.

11 MR. FRANK: Your Honor, Howard Frank on behalf of
12 Veronica Quintero. She is in custody and has just now
13 entered your Honor's courtroom.

14 THE COURT: Great, thank you.

15 MS. KANTER: And good afternoon, your Honor.
16 Rebecca Kanter for the United States.

17 THE COURT: Great, thank you.

18 MR. CROWLEY: Mr. Ramirez is now present before
19 the Court in custody.

20 THE COURT: All right, great. All right, speaking
21 to both defendants, today is the day set for your guilty
22 plea. We're going to start that process now. On behalf of
23 the two defendants and the United States, is everybody
24 agreed that I can take these two pleas at the same time? On
25 behalf of Defendant Ramirez?

1 MR. CROWLEY: Yes, your Honor.

2 THE COURT: Defendant Quintero?

3 MR. FRANK: Yes, your Honor.

4 THE COURT: Government?

5 MS. KANTER: Yes, your Honor.

6 THE COURT: All right, great, thank you. I want
7 both of you defendants to listen very carefully to
8 everything that I have to say here. I'm going to do my very
9 best to try to make it clear to you what is happening here
10 today and whether or not I'm speaking to one of you or both
11 of you.

12 If however at any point during this proceeding you
13 do not understand what's going on, it's up to you to let me
14 know and it's okay to interrupt me to tell me that you don't
15 understand what's going on. If I don't hear from you today,
16 I am going to assume that you understood everything that
17 happened here today.

18 Do you understand that, Mr. Ramirez?

19 DEFENDANT RAMIREZ-ARMAS: Yeah, yes, your Honor.

20 THE COURT: Ms. Quintero?

21 DEFENDANT QUINTERO-NAVARRO: (Through interpreter)
22 Yes.

23 THE COURT: All right. I want you both to listen
24 very carefully to my courtroom deputy. We're going to start
25 your change of plea now.

1 THE CLERK: Please raise each of your right hands.

2 JORGE DANIEL RAMIREZ-ARMAS - DEFENDANT - SWORN

3 VERONICA QUINTERO-NAVARRO - DEFENDANT - SWORN

4 THE CLERK: Thank you.

5 MR. CROWLEY: Your Honor, with the permission of
6 the marshal, maybe if Mr. Ramirez, since he's just listening
7 to the English part, could move a little bit this way --

8 THE COURT: Sure, why don't you come down closer
9 to me.

10 MR. CROWLEY: Or switch them, yes.

11 (Pause.)

12 THE CLERK: Jorge Daniel Ramirez-Armas, is that
13 your true name, sir?

14 DEFENDANT RAMIREZ-ARMAS: Yes.

15 THE CLERK: Veronica Quintero-Navarro, is that
16 your true name, ma'am?

17 DEFENDANT QUINTERO-NAVARRO: Yes.

18 THE CLERK: Speaking to each of you, do you now
19 desire to withdraw your former plea of not guilty to the one
20 count information charging you with importation of
21 methamphetamine in violation of Title 21 U.S.C. Sections 952
22 and 960; aiding and abetting, a felony in violation of Title
23 18 U.S.C. Section Two, and to plead guilty now, yes or no?
24 Mr. Ramirez?

25 DEFENDANT RAMIREZ-ARMAS: Yes.

1 THE CLERK: Ms. Quintero?

2 DEFENDANT QUINTERO-NAVARRO: Yes.

3 THE CLERK: Speaking to each of you, how do you
4 plead to the charges against you, guilty or not guilty?
5 Mr. Ramirez?

6 DEFENDANT RAMIREZ-ARMAS: Guilty.

7 THE CLERK: Ms. Quintero?

8 DEFENDANT QUINTERO-NAVARRO: Guilty.

9 THE COURT: Mr. Ramirez, how old are you, sir?

10 DEFENDANT RAMIREZ-ARMAS: I'm 21.

11 THE COURT: How far did you go in school?

12 DEFENDANT RAMIREZ-ARMAS: Eleventh grade, ma'am.

13 THE COURT: Here in the U.S.?

14 DEFENDANT RAMIREZ-ARMAS: Yes.

15 THE COURT: Do you read English fluently?

16 DEFENDANT RAMIREZ-ARMAS: Yes.

17 THE COURT: Have you taken any medication, drugs
18 or other substance within the past 72 hours?

19 DEFENDANT RAMIREZ-ARMAS: No, your Honor.

20 THE COURT: Ms. Quintero, how old are you, ma'am?

21 DEFENDANT QUINTERO-NAVARRO: Twenty-two.

22 THE COURT: How far did you go in school?

23 DEFENDANT QUINTERO-NAVARRO: High school.

24 THE COURT: Here in the United States or
25 elsewhere?

1 DEFENDANT QUINTERO-NAVARRO: In Tijuana.

2 THE COURT: Have you taken any medication, drugs
3 or other substance within the past 72 hours?

4 DEFENDANT QUINTERO-NAVARRO: No.

5 THE COURT: Speaking to both of you, I want to
6 remind each of you -- oh, did you place them under oath?

7 THE CLERK: Yes, Judge.

8 THE COURT: I want to remind each of you that you
9 just raised your right hand, agreed to tell the truth and
10 were placed under oath. What that means is that you must
11 tell me the truth and if you do not tell me the truth, the
12 false answers that you give me could be used against you and
13 you could be charged with a totally separate crime called
14 perjury or making a false statement. If you are convicted
15 of that crime, you could be sentenced up to five years in
16 custody and that would be in addition to any time that you
17 receive in this case. So, it's extremely important that you
18 listen very carefully to everything I have to say, that you
19 think before you answer my questions, and that you answer my
20 questions truthfully.

21 Do you understand all of that? Mr. Ramirez?

22 DEFENDANT RAMIREZ-ARMAS: Yes.

23 THE COURT: Ms. Quintero?

24 DEFENDANT QUINTERO-NAVARRO: Yes.

25 THE COURT: All right. Speaking to both of you,

1 each of you has a right to have a district judge take your
2 guilty plea. I am a magistrate judge. In order for me to
3 take your guilty plea here today, you must give up your
4 right to appear in front of the district judge and authorize
5 me to go forward. I have a two-page document entitled
6 "Consent to Rule 11 Plea in Felony Case Before a United
7 States Magistrate Judge", a separate one for each of you
8 that indicates that you want to give up that right and have
9 me take your plea today.

10 Speaking first to Mr. Ramirez; I'm showing you the
11 second page of your document. There are three signatures
12 and the top one appears to be yours. Is that your
13 signature, sir?

14 DEFENDANT RAMIREZ-ARMAS: Yes.

15 THE COURT: Before you signed this document, did
16 you read the entire document?

17 DEFENDANT RAMIREZ-ARMAS: Yes.

18 THE COURT: Did you have an opportunity to discuss
19 it with your lawyer?

20 DEFENDANT RAMIREZ-ARMAS: Yes.

21 THE COURT: Are you satisfied with the
22 representation you've received from your lawyer?

23 DEFENDANT RAMIREZ-ARMAS: Yes.

24 THE COURT: By signing this document, by what
25 you're saying to me here in court today, you are giving up

1 your right to have a district judge take your guilty plea
2 and you're authorizing me to go forward. Is that what you
3 want to do?

4 DEFENDANT RAMIREZ-ARMAS: Yes. Yes, your Honor.

5 THE COURT: Ms. Quintero, I'm showing you the
6 second page of your document. There are three signatures on
7 it and the top one appears to be yours. Is that your
8 signature, ma'am?

9 DEFENDANT QUINTERO-NAVARRO: Yes.

10 THE COURT: Before you signed this document, was
11 the entire document read to you in Spanish?

12 DEFENDANT QUINTERO-NAVARRO: Yes.

13 THE COURT: Did you have an opportunity to discuss
14 it with your lawyer?

15 DEFENDANT QUINTERO-NAVARRO: Yes.

16 THE COURT: Are you satisfied with the
17 representation you've received from your lawyer?

18 DEFENDANT QUINTERO-NAVARRO: Yes.

19 THE COURT: Are you -- or by signing this document
20 and by what you're saying to me here in court today, you are
21 giving up your right to have a district judge take this
22 guilty plea and you're authorizing me to go forward today.
23 Is that what you want to do?

24 DEFENDANT QUINTERO-NAVARRO: Yes.

25 THE COURT: All right, I'm speaking to both of

1 you. I want you to listen carefully because you have some
2 very important constitutional rights that you are giving up
3 by pleading guilty.

4 You have the following constitutional rights. You
5 have the right to persist in your plea of not guilty. You
6 have the right to a speedy and public trial. You have the
7 right to be tried by a jury, or you may give up that right
8 and have a judge try your case without a jury. You have the
9 right to assistance of counsel throughout all proceedings,
10 including at trial. If you cannot afford to pay an attorney
11 to represent you at trial, appointed counsel will represent
12 you through trial at no cost to you.

13 You have the right to confront and cross examine
14 the witnesses against you. You have the right to present a
15 defense and the right to have witnesses subpoenaed to court
16 to testify on your behalf, and you have the right against
17 compelled self-incrimination, which means that you cannot be
18 forced to testify at any hearing or trial and the Government
19 may not comment upon your silence.

20 Do you understand that you have all of these
21 rights? Mr. Ramirez?

22 DEFENDANT RAMIREZ-ARMAS: Yes.

23 THE COURT: Ms. Quintero?

24 DEFENDANT QUINTERO-NAVARRO: Yes.

25 THE COURT: If you plead guilty today, there will

1 be no trial and you will give up all of the rights I have
2 just told you about with the exception that your attorney
3 will continue to represent you through sentencing. Is that
4 what you want to do? Mr. Ramirez?

5 DEFENDANT RAMIREZ-ARMAS: Yes.

6 THE COURT: Ms. Quintero?

7 DEFENDANT QUINTERO-NAVARRO: Yes.

8 THE COURT: All right. Each of you is pleading
9 guilty to the crime of importation of methamphetamine and
10 aiding and abetting. The United States is required to prove
11 each and every element of that crime to a jury to a standard
12 called beyond a reasonable doubt. By pleading guilty, you
13 will be admitting each and every element of the crime, so
14 it's important that you understand what those elements are.

15 There are two elements. The first is, that you
16 intentionally brought methamphetamine into the United
17 States, and the second is that you knew that it was
18 methamphetamine or some other prohibited drug.

19 In addition, the amount and type of drug that you
20 imported affects the statutory maximum sentence that you are
21 facing. In this case, it increases the statutory maximum
22 sentence. It also imposes a mandatory minimum sentence and
23 it will affect the actual sentence that you will receive.
24 As a result, the United States is required to prove that
25 amount and type of drug to a jury beyond a reasonable doubt.

1 By pleading guilty, you will be admitting the
2 amount and type of drugs, specifically that you imported
3 approximately 7.2 kilograms of methamphetamine, and by
4 admitting that you will be subjecting yourself to increased
5 maximum penalties and a mandatory minimum sentence.

6 Do you understand all of that, Mr. Ramirez?

7 DEFENDANT RAMIREZ-ARMAS: Yes, your Honor.

8 THE COURT: Ms. Quintero?

9 DEFENDANT QUINTERO-NAVARRO: Yes.

10 THE COURT: Understanding all of that, do you
11 still want to plead guilty and admit both elements as well
12 as the amount of type and drug? Mr. Ramirez?

13 DEFENDANT RAMIREZ-ARMAS: Yes.

14 THE COURT: Ms. Quintero?

15 DEFENDANT QUINTERO-NAVARRO: Yes.

16 THE COURT: By pleading guilty, each of you are
17 facing the following penalties. You are facing a maximum
18 sentence of life in prison and a mandatory minimum sentence
19 of ten years. You also are facing a maximum \$4,000,000
20 fine, a mandatory special assessment of \$100, and a term of
21 -- and a mandatory term of supervised release of five years.

22 Do you understand that those are the maximum and
23 mandatory minimum sentences that you are facing,
24 Mr. Ramirez?

25 DEFENDANT RAMIREZ-ARMAS: Yes.

1 THE COURT: Ms. Quintero?

2 DEFENDANT QUINTERO-NAVARRO: Yes.

3 THE COURT: Speaking to both of you still; if you
4 receive a custodial sentence, you will also receive a term
5 of supervised release that will follow that sentence. That
6 means that when you are released from custody, you will have
7 to comply with certain terms and conditions imposed by the
8 sentencing judge. If at any time during the period of
9 supervised release you are found to have violated your
10 conditions of supervised release, you could be imprisoned up
11 to the full term of the supervised release term and you
12 would not receive credit for time you served on the original
13 offense.

14 Do you understand all of that, Mr. Ramirez?

15 DEFENDANT RAMIREZ-ARMAS: Yes.

16 THE COURT: Ms. Quintero?

17 DEFENDANT QUINTERO-NAVARRO: Yes.

18 THE COURT: In addition, you need to understand
19 that if there are any other charges pending against you, or
20 if you currently are on probation, parole or supervised
21 release, the sentencing judge in this case will not have the
22 authority to order that any sentence imposed in this case
23 run concurrently or at the same time with any other sentence
24 that may later be imposed based upon a separate conviction
25 or a separate violation of your probation, parole or

1 supervised release.

2 In addition, if you are on probation, parole or
3 supervised release, your guilty plea here today may result
4 in a revocation of that status and you may be sentenced to
5 additional jail time in that case.

6 Do you understand that, Mr. Ramirez?

7 DEFENDANT RAMIREZ-ARMAS: Yes.

8 THE COURT: Ms. Quintero?

9 DEFENDANT QUINTERO-NAVARRO: Yes.

10 THE COURT: Are you a United States citizen,
11 Mr. Ramirez?

12 DEFENDANT RAMIREZ-ARMAS: Yes, your Honor.

13 THE COURT: Ms. Quintero?

14 MR. FRANK: Your Honor, I believe Ms. Quintero is.
15 Although she was born in Tijuana, her biological father is a
16 United States citizen. So I believe because of that that
17 she is a United States citizen. She does understand,
18 however -- it has been -- I have read to her through an
19 interpreter that should she not be a United States citizen,
20 there is a provision in the plea agreement that calls for
21 her agreement to be deported or removed from the United
22 States.

23 THE COURT: Do you understand everything your
24 attorney just said, ma'am?

25 DEFENDANT QUINTERO-NAVARRO: Yes.

1 THE COURT: What's the position of the United
2 States?

3 MS. KANTER: For the record, your Honor, the
4 Government's position is that this defendant is a citizen of
5 Mexico. She does carry a visa, border crossing visa, but
6 that she is a citizen of Mexico and used -- obtained the
7 visa because she's not a U.S. citizen. So, it's the
8 Government's position she's immediately deportable on that
9 basis.

10 THE COURT: Do you understand what the attorney
11 for the United States just said, ma'am?

12 DEFENDANT QUINTERO-NAVARRO: Yes.

13 THE COURT: All right. So, I want you to
14 understand that if you are a citizen of the United States,
15 then you cannot be deported. But if you are not a citizen
16 of the United States, by pleading guilty to this crime it is
17 likely that you will be deported or removed from the United
18 States.

19 In addition, in the plea agreement there's a
20 provision where you stipulate or agree that if you are not a
21 citizen of the United States, you will in fact be deported
22 or removed from the United States. So, another direct
23 result of your guilty plea here today is that if you are not
24 a citizen, you will in fact be deported or removed from the
25 United States.

1 Do you understand all of that?

2 DEFENDANT QUINTERO-NAVARRO: Yes.

3 THE COURT: Speaking to both Defendants, each of
4 you is pleading guilty to a crime involving a controlled
5 substance. As a result, you will immediately become
6 ineligible for certain Social Security benefits, including
7 benefits under the Food Stamp Program.

8 Do you understand that, Mr. Ramirez?

9 DEFENDANT RAMIREZ-ARMAS: Yes.

10 THE COURT: Ms. Quintero?

11 DEFENDANT QUINTERO-NAVARRO: Yes.

12 THE COURT: Speaking to both of you, understanding
13 then the maximum penalties that you are facing, the rights
14 that you have and are giving up, and all of the other
15 consequences of your guilty plea, do you still want to plead
16 guilty? Mr. Ramirez?

17 DEFENDANT RAMIREZ-ARMAS: Yes.

18 THE COURT: Ms. Quintero?

19 DEFENDANT QUINTERO-NAVARRO: Yes.

20 THE COURT: Speaking to both of you, the
21 sentencing judge will consider the sentencing guidelines as
22 advisory in determining your sentence. Have you discussed
23 with your attorney the sentencing guidelines and how they
24 may be used? Mr. Ramirez?

25 DEFENDANT RAMIREZ-ARMAS: Yes.

1 THE COURT: Ms. Quintero?

2 DEFENDANT QUINTERO-NAVARRO: Yes.

3 THE COURT: Do you understand that the sentencing
4 guidelines are not mandatory and the sentencing judge is not
5 obligated to follow them in your case? Mr. Ramirez?

6 DEFENDANT RAMIREZ-ARMAS: Yes.

7 THE COURT: Ms. Quintero?

8 DEFENDANT QUINTERO-NAVARRO: Yes.

9 THE COURT: Because the sentencing guidelines are
10 not binding on the Court, the sentencing judge may depart
11 from them and sentence you up to the statutory maximum in
12 this case. Do you understand that, Mr. Ramirez?

13 DEFENDANT RAMIREZ-ARMAS: Yes, your Honor.

14 THE COURT: Ms. Quintero?

15 DEFENDANT QUINTERO-NAVARRO: Yes.

16 THE COURT: In addition, based upon the amount and
17 type of drug that you brought into the United States, you
18 are facing a mandatory minimum sentence of 10 years. The
19 sentencing judge may impose that mandatory minimum sentence
20 even if the advisory sentencing guidelines advise a lower
21 sentence. Do you understand that, Mr. Ramirez?

22 DEFENDANT RAMIREZ-ARMAS: Yes.

23 THE COURT: Ms. Quintero?

24 DEFENDANT QUINTERO-NAVARRO: Yes.

25 THE COURT: If the sentence you receive is more

1 severe than you expect, you will still be bound by your
2 guilty plea and you will not have a right to withdraw your
3 guilty plea. Do you understand that, Mr. Ramirez?

4 DEFENDANT RAMIREZ-ARMAS: Yes.

5 THE COURT: Ms. Quintero?

6 DEFENDANT QUINTERO-NAVARRO: Yes.

7 THE COURT: I have a written plea agreement in
8 front of me, a separate one for each of you, and I'm going
9 to go through it with you separately.

10 Speaking first to Mr. Ramirez; counsel for
11 Mr. Ramirez, is the entirety of the agreement set forth in
12 this 13-page document?

13 MR. CROWLEY: Yes, your Honor.

14 THE COURT: Mr. Ramirez, I'm showing you a 13-page
15 document entitled "Plea Agreement." On the last page there
16 are three signatures and the bottom one appears to be yours.
17 Is that your signature, sir?

18 DEFENDANT RAMIREZ-ARMAS: Yes.

19 THE COURT: This was signed in October; is that
20 correct?

21 MR. CROWLEY: That's correct.

22 THE COURT: All right. Before you signed this
23 document, did you read the entire document?

24 DEFENDANT RAMIREZ-ARMAS: Yes.

25 THE COURT: Did you also have an opportunity to

1 discuss is with your lawyer?

2 DEFENDANT RAMIREZ-ARMAS: Yes.

3 THE COURT: If you had any questions about the
4 contents of this agreement, did your lawyer answer those
5 questions?

6 DEFENDANT RAMIREZ-ARMAS: Yes.

7 THE COURT: By placing your signature on the last
8 page, did that signify that you had read the entire
9 document, that you understood the entire document, and that
10 you agreed to be bound by all of the terms and conditions
11 set forth in the document?

12 DEFENDANT RAMIREZ-ARMAS: Yes, your Honor.

13 THE COURT: All right. Speaking to Ms. Quintero
14 -- actually, first to Mr. Frank. Is the entirety of the
15 agreement set forth in this 13-page plea agreement?

16 MR. FRANK: Yes, your Honor.

17 THE COURT: Ms. Quintero, I am showing you the
18 last page of a 13-page plea agreement. There are three
19 signatures on it and the bottom one appears to be yours. Is
20 that your signature, ma'am?

21 DEFENDANT QUINTERO-NAVARRO: Yes.

22 THE COURT: Before you signed this document, did
23 you read the -- or, excuse me, was the entire document read
24 to you in Spanish?

25 DEFENDANT QUINTERO-NAVARRO: Yes.

1 THE COURT: Did you have an opportunity to discuss
2 it with your lawyer?

3 DEFENDANT QUINTERO-NAVARRO: Yes.

4 THE COURT: If you had any questions about the
5 contents of the agreement, did your lawyer answer those
6 questions?

7 DEFENDANT QUINTERO-NAVARRO: Yes.

8 THE COURT: By placing your signature on the last
9 page then, did that signify that the entire document had
10 been read to you in Spanish, that you understood the entire
11 document, and that you agreed to be bound by all of the
12 terms and conditions set forth in the document?

13 DEFENDANT QUINTERO-NAVARRO: Yes.

14 THE COURT: Speaking to both defendants, each of
15 your plea agreements contains a provision entitled
16 "Defendant Waives Appeal and Collateral Attack." Did you
17 discuss this provision with your lawyer? Mr. Ramirez?

18 DEFENDANT RAMIREZ-ARMAS: Yes.

19 THE COURT: Ms. Quintero?

20 DEFENDANT QUINTERO-NAVARRO: Yes.

21 THE COURT: In this plea agreement, each of you
22 waives, to the full extent of the law, any right to appeal
23 or to collaterally attack the conviction and sentence,
24 including any restitution order, unless the Court imposes a
25 custodial sentence above the greater of the high end of the

1 guideline range recommended by the Government pursuant to
2 this agreement at the time of sentencing, or the statutory
3 mandatory minimum term.

4 Do you understand that provision, Mr. Ramirez?

5 DEFENDANT RAMIREZ-ARMAS: Yes.

6 THE COURT: Ms. Quintero?

7 DEFENDANT QUINTERO-NAVARRO: Yes.

8 THE COURT: And do you agree to be bound by it?
9 Mr. Ramirez?

10 DEFENDANT RAMIREZ-ARMAS: Yes.

11 THE COURT: Ms. Quintero?

12 DEFENDANT QUINTERO-NAVARRO: Yes.

13 THE COURT: Speaking to the defense counsel, have
14 you discussed this plea agreement thoroughly with your
15 client, including the provision regarding waiver of appeal
16 and collateral attack? For Mr. Ramirez?

17 MR. CROWLEY: Yes, your Honor.

18 THE COURT: For Ms. Quintero?

19 MR. FRANK: Yes, your Honor.

20 THE COURT: And in your opinion, does your client
21 understand the plea agreement in its entirety? For
22 Mr. Ramirez?

23 MR. CROWLEY: I believe he does.

24 THE COURT: For Ms. Quintero?

25 MR. FRANK: Yes, your Honor.

1 THE COURT: Speaking to both defendants, has
2 anyone promised you anything other than what's in the
3 written plea agreement in order to get you to plead guilty?
4 Mr. Ramirez?

5 DEFENDANT RAMIREZ-ARMAS: No.

6 THE COURT: Ms. Quintero?

7 DEFENDANT QUINTERO-NAVARRO: No.

8 THE COURT: Has anyone threatened you or forced
9 you to plead guilty? Mr. Ramirez?

10 DEFENDANT RAMIREZ-ARMAS: No.

11 THE COURT: Ms. Quintero?

12 DEFENDANT QUINTERO-NAVARRO: No.

13 THE COURT: Are you pleading guilty to help any
14 person other than yourself? Mr. Ramirez?

15 DEFENDANT RAMIREZ-ARMAS: No.

16 THE COURT: Ms. Quintero?

17 DEFENDANT QUINTERO-NAVARRO: No.

18 THE COURT: Is it true then that you are pleading
19 guilty because you are guilty and for no other reason?
20 Mr. Ramirez?

21 DEFENDANT RAMIREZ-ARMAS: Yes.

22 THE COURT: Ms. Quintero?

23 DEFENDANT QUINTERO-NAVARRO: Yes.

24 THE COURT: I'm now going to speak with each of
25 you individually about what it is that you did that makes

1 you guilty of this crime. I want to remind you that you are
2 under oath so you must tell me the truth.

3 Speaking first to Mr. Ramirez; on or about
4 September 20th of this year did you knowingly and
5 intentionally drive a vehicle from Mexico into the United
6 States through the San Ysidro, California port of entry?

7 DEFENDANT RAMIREZ-ARMAS: Yes.

8 THE COURT: At the time that you drove that
9 vehicle into the United States, did you know that there was
10 methamphetamine hidden in the vehicle?

11 DEFENDANT RAMIREZ-ARMAS: No, but other type of
12 drug, yes.

13 THE COURT: All right. So on that date you
14 knowingly and intentionally brought an illegal drug into the
15 United States, you just did not know precisely what type or
16 how much; is that a true statement?

17 DEFENDANT RAMIREZ-ARMAS: Yes.

18 THE COURT: Do you agree that the United States
19 could prove that the illegal drug that you brought into the
20 United States on that date was actually 7.2 kilograms of
21 methamphetamine?

22 DEFENDANT RAMIREZ-ARMAS: Can you repeat that
23 question again?

24 THE COURT: Yes. I understand that you did not
25 know on that date how much drugs you had or what type. But

1 the question I'm asking you is do you agree that the United
2 States could prove that on that date the drugs you brought
3 into the United States was methamphetamine and it weighed
4 approximately 7.2 kilograms?

5 DEFENDANT RAMIREZ-ARMAS: Yeah, they can prove it,
6 yes.

7 THE COURT: Great, that's what I -- that was the
8 question.

9 DEFENDANT RAMIREZ-ARMAS: Sorry, your Honor.

10 THE COURT: Is the United States satisfied with
11 the factual basis?

12 MS. KANTER: Yes, your Honor.

13 THE COURT: And counsel, is this plea made
14 voluntarily and with your concurrence?

15 MR. CROWLEY: It is, your Honor.

16 THE COURT: Speaking to Ms. Quintero now; ma'am,
17 on or about September 20th of this year, were you a
18 passenger in the vehicle driven by your co-defendant that
19 traveled from Mexico into the United States through the San
20 Ysidro, California port of entry?

21 DEFENDANT QUINTERO-NAVARRO: Yes.

22 THE COURT: At the time that you were riding in
23 that vehicle with your co-defendant, did you know that there
24 was methamphetamine hidden within the vehicle?

25 DEFENDANT QUINTERO-NAVARRO: Marijuana, I don't

1 know.

2 THE COURT: All right. So on that day, was it
3 your intention to help bring marijuana into the United
4 States?

5 DEFENDANT QUINTERO-NAVARRO: Yes.

6 THE COURT: And what was it that you did to help
7 bring the illegal drugs into the United States?

8 MR. FRANK: Your Honor, if I might assist;
9 Ms. Quintero knew that by riding as a passenger in a vehicle
10 that she knew contained contraband, that there would be a
11 better appearance at the port of entry to hopefully
12 facilitate easier entry into the United States without the
13 contraband being detected.

14 THE COURT: Is what your attorney just said true
15 in all respects, ma'am?

16 DEFENDANT QUINTERO-NAVARRO: Yes.

17 THE COURT: All right. So is it a true statement
18 that on that date you knowingly and intentionally tried to
19 bring marijuana into the United States?

20 DEFENDANT QUINTERO-NAVARRO: Yes.

21 THE COURT: Do you agree that the United States
22 could prove that instead of marijuana, the illegal drug that
23 you brought into the United States on that date was actually
24 methamphetamine?

25 DEFENDANT QUINTERO-NAVARRO: Yes.

1 THE COURT: Do you also agree that the United
2 States could prove that that methamphetamine that you
3 brought into the United States weighed approximately 7.2
4 kilograms?

5 DEFENDANT QUINTERO-NAVARRO: Yes.

6 THE COURT: Is the United States satisfied with
7 the factual basis?

8 MS. KANTER: Yes, your Honor.

9 THE COURT: And counsel, again, is this plea made
10 voluntarily and with your concurrence?

11 MR. FRANK: Yes, your Honor.

12 THE COURT: Speaking to both defendants again;
13 understanding the maximum penalties that you are facing, the
14 mandatory minimum sentence that you are facing, the rights
15 that you have and are giving up, and all of the other
16 consequences of your guilty plea, do you still want to plead
17 guilty? Mr. Ramirez?

18 DEFENDANT RAMIREZ-ARMAS: Yes.

19 THE COURT: Ms. Quintero?

20 DEFENDANT QUINTERO-NAVARRO: Yes.

21 THE COURT: How do you plead to the one count
22 information charging you with importation of methamphetamine
23 and aiding and abetting, guilty or not guilty? Mr. Ramirez?

24 DEFENDANT RAMIREZ-ARMAS: Oh, I missed it, your
25 Honor.

1 THE COURT: How do you plead to the one count
2 information charging you with importation of methamphetamine
3 and aiding and abetting, guilty or not guilty?

4 DEFENDANT RAMIREZ-ARMAS: Guilty.

5 THE COURT: Ms. Quintero, how do you plead to the
6 one count information charging you with importation of
7 methamphetamine and aiding and abetting, guilty or not
8 guilty?

9 DEFENDANT QUINTERO-NAVARRO: Guilty.

10 THE COURT: Based upon everything that has
11 happened here in court today as well as all of the written
12 documents in front of me, I find that each of your guilty
13 pleas is made knowingly and voluntarily with a full
14 understanding of the nature of the charge, the rights that
15 you have and are giving up, and all of the other
16 consequences of your guilty plea. I also find that there is
17 a factual basis for each of your guilty pleas and I
18 therefore recommend to the district judge, Judge Burns, that
19 he accept your guilty plea and I will set this for
20 sentencing in front of Judge Burns. Each of you is ordered
21 to appear in Judge Burns' courtroom on March 3rd of 2008 at
22 9:20 a.m.

23 Do you understand that you must appear in Judge
24 Burns' courtroom on March 3rd at 9:30 a.m.? Mr. Ramirez?

25 DEFENDANT RAMIREZ-ARMAS: Yes.

1 THE COURT: Ms. Quintero?

2 DEFENDANT QUINTERO-NAVARRO: Is it for the
3 sentence?

4 THE COURT: Yes. So on March -- you must appear
5 in his courtroom on March 3rd at 9:30 a.m. Do you
6 understand that?

7 DEFENDANT QUINTERO-NAVARRO: Yes.

8 THE COURT: Right. I find -- speaking to both of
9 you, I find that the time between today and March 3rd is
10 excludable under the Speedy Trial Act on the grounds that
11 the district judge will be considering the proposed plea
12 agreement. I hereby vacate any hearing dates other than the
13 sentencing hearing which I just set. If there are any
14 motions filed, they are deemed withdrawn unless I heard
15 differently from counsel, and I order Probation to prepare a
16 pre-sentence report.

17 Anything else?

18 MR. CROWLEY: Your Honor, there was a specific
19 trial date set for December 27th. I just want to make sure
20 that that --

21 THE COURT: Vacated.

22 MR. CROWLEY: Yes, very good.

23 THE COURT: Anything else?

24 MR. FRANK: No, your Honor, thank you.

25 THE COURT: Anything else?

1 MS. KANTER: Nothing for me, your Honor.

2 THE COURT: All right. Thank you, everybody.

3 Good luck to the two defendants.

4 (Proceedings concluded.)

5
6 I certify that the foregoing is a correct
7 transcript to the best of my ability from the electronic
8 sound recording of the proceedings in the above-entitled
9 matter.

10
11 s/Sherri Lattuca 5/30/08
12 Transcriber Date

13 FEDERALLY CERTIFIED TRANSCRIPT AUTHENTICATED BY:

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